

# Condensed Transcript

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ALLAN CHIOCCA,

Plaintiff

vs.

C.A. No. 1:19-CV-10482-WGY

THE TOWN OF ROCKLAND, DEIDRE HALL,  
EDWARD KIMBALL, LARRY RYAN, MICHAEL  
MULLEN, JR., MICHAEL O'LOUGHLIN,  
RICHARD PENNEY AND KARA NYMAN,

Defendants

DAY 1

VIDEOTAPED DEPOSITION OF ALLAN R. CHIOCCA

MONDAY, JULY 12, 2021

10:19 a.m. - 4:51 p.m.

BURNS & LEVINSON LLP

Reported by: Sandra A. Deschaine, CSR, RPR,

CLR, CRA

Job No. 33185

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1 **counties. I was on the energy committee.**  
2 Q. And you bring this claim today  
3 under the state's Civil Rights Act, 151B,  
4 among other things; is that right, sir?  
5 **A. I have counsel, we brought.**  
6 Q. Do you understand yourself to have  
7 brought a claim under 151B?  
8 **A. 151B is what?**  
9 Q. The state's anti-discrimination  
10 statute.  
11 **A. I believe I have.**  
12 Q. Okay. And do you remember, when  
13 you were in the legislature, taking a vote  
14 denying the protection of 151B to gay and  
15 lesbian members of the Commonwealth?  
16 **A. I do not.**  
17 Q. Are you telling me today that you  
18 did not vote against extending workplace  
19 protections to gays and lesbians in the  
20 workplace?  
21 **A. I do not recall all of my votes at**  
22 **the time. There were different votes at**  
23 **different times. I do know that even my own**  
24 **views have evolved.**  
25 Q. Okay. And do you recall voting

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1 today, whether you did anything to assure  
2 that citizens of the Commonwealth would enjoy  
3 the protection of the state's  
4 anti-discrimination laws?  
5 MS. HALEM: Objection.  
6 **A. I am not sure that I fully**  
7 **understand that question in the manner in**  
8 **which you asked, however --**  
9 BY MS. ZUCKER:  
10 Q. Let me -- let me do that again  
11 then.  
12 **A. Okay.**  
13 Q. When you served as a member of the  
14 state's legislative body --  
15 **A. Yes.**  
16 Q. -- did you take any steps to help  
17 extend the protection of our Commonwealth's  
18 anti-discrimination laws to people who do not  
19 look like you?  
20 MS. HALEM: Objection.  
21 **A. I don't --**  
22 BY MS. ZUCKER:  
23 Q. Yes or no? Do you remember taking  
24 any steps?  
25 **A. I don't know that that's a**

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1 against any gun control during that time?  
2 **A. I believe I did.**  
3 Q. And what, if any, legislative  
4 action did you take ever to afford the civil  
5 rights protections to anyone?  
6 **A. You're talking 40 years ago. I**  
7 **don't remember. 35 years ago.**  
8 Q. Do you -- there was a lot going on  
9 during that time, sir.  
10 **A. There was.**  
11 Q. And there was a lot of people  
12 asking for the protection of the civil rights  
13 laws, particularly in the workplace.  
14 What efforts did you make  
15 affirmatively to make sure that workplace  
16 equality laws, safety in the workplace, was  
17 extended to people who didn't look like  
18 you?  
19 MS. HALEM: Objection.  
20 **A. I do not recall.**  
21 BY MS. ZUCKER:  
22 Q. Do you remember doing anything?  
23 **A. I do not recall my legislative**  
24 **record.**  
25 Q. Do you remember, sitting here

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1 **yes-or-no question.**  
2 Q. Okay. How would you like to  
3 answer it?  
4 **A. I would have believed at the time,**  
5 **and if I go back to my legislative time, that**  
6 **I did receive some issues, inquiries on that,**  
7 **but I don't recall my legislative voting**  
8 **record 35 years later.**  
9 Q. Okay.  
10 **A. I do know I was a young man and**  
11 **that many of my views certainly evolved to**  
12 **different positions than I had when I was in**  
13 **my 20s.**  
14 Q. All right. Now, you have a social  
15 media presence; do you not?  
16 **A. Minor.**  
17 Q. And has it been roughly consistent  
18 over the last, let's call it, 15 years?  
19 MS. HALEM: Objection.  
20 **A. Yes.**  
21 BY MS. ZUCKER:  
22 Q. And so tell me, if you would,  
23 let's start with any Facebook accounts that  
24 you have had anytime from, let's just say,  
25 2005 to today?



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Page 18

1 **A. The only Facebook account that I**  
2 **believe I've used in that time frame is one**  
3 **is what I've called an alter ego, so to**  
4 **speak, but Vinny Blutarsky.**  
5 Q. Okay.  
6 **A. And that is --**  
7 Q. Done?  
8 **A. No. Primarily just because it's a**  
9 **small number of people.**  
10 Q. Have you provided the -- your  
11 Facebook postings from Vinny Blutarsky to  
12 your counsel?  
13 MS. HALEM: Objection.  
14 **A. I do not recall doing that.**  
15 BY MS. ZUCKER:  
16 Q. Okay. Have you, in answering  
17 interrogatories about your presence on social  
18 media, have you confessed that you call  
19 yourself Vinny Blutarsky on Facebook?  
20 MS. HALEM: Objection.  
21 **A. In answering what?**  
22 BY MS. ZUCKER:  
23 Q. In answering interrogatories.  
24 Asking about your social media accounts, have  
25 you --

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1 **A. I don't, but it's possible. It's**  
2 **my home.**  
3 Q. Okay. And the post with you  
4 sitting shirtless at a reception desk has  
5 some rum and Coke and your hand raised; is  
6 that possible?  
7 **A. Sure.**  
8 Q. Because that's your alter ego?  
9 **A. No, it's because it's a bar in the**  
10 **basement.**  
11 Q. Okay. So you have a bar in the  
12 basement, so you posted on Facebook yourself  
13 shirtless with some rum and some Coke holding  
14 up a drink?  
15 **A. Very possible.**  
16 Q. What about a picture --  
17 **A. I don't know if I posted that or**  
18 **if somebody else did.**  
19 Q. Okay. And what about a picture of  
20 two women scantily clad with only pasties on  
21 their breasts.  
22 Do you remember that picture?  
23 MS. HALEM: Objection.  
24 **A. No.**  
25 /

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1 **A. I have never kept it a secret.**  
2 Q. Okay. Who is -- what is  
3 Blutarsky?  
4 **A. It's a made up name probably going**  
5 **back to a poster I had in college.**  
6 Q. And it references Animal House,  
7 right?  
8 **A. Yes.**  
9 Q. Okay. And who in Animal House  
10 does it reference, this alter ego of yours?  
11 **A. It's a poster that we had on the**  
12 **wall at my -- if you want to call it man**  
13 **cave, of the lead character in that -- what**  
14 **was his name, Bluto.**  
15 Q. Bluto. Yeah. So you have an  
16 alter ego Facebook page that's driven from a  
17 person you had in a man cave when you were  
18 younger; is that right? Do I understand that  
19 correctly?  
20 **A. Yes.**  
21 Q. Okay. And if I understand it  
22 correctly, you've got posts there on that,  
23 among others, of you standing -- of you  
24 sitting shirtless at a reception desk. Do  
25 you remember that post?

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1 BY MS. ZUCKER:  
2 Q. You don't remember that picture,  
3 okay.  
4 What about a picture of a young  
5 woman on a bed?  
6 **A. No.**  
7 Q. But you -- that's your alter ego  
8 Facebook account, right?  
9 MS. HALEM: Objection.  
10 BY MS. ZUCKER:  
11 Q. Vinny Blutarsky?  
12 **A. Vinny Blutarsky is a name I use on**  
13 **Facebook with family and friends.**  
14 Q. Okay. Do you remember writing  
15 about searching for the Fountain of Youth in  
16 your alter ego Facebook account?  
17 **A. No.**  
18 Q. Speaking of the Fountain of Youth,  
19 you do not have any diagnosed medical  
20 condition that requires Cialis, do you?  
21 **A. I told my doctor there was an**  
22 **issue, and my doctor prescribed Cialis.**  
23 Q. You don't ever list it in any of  
24 your medical records, from 2015 to today, as  
25 a medical condition, do you?

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1 **someplace, they're closing at 9, you say I'm**  
2 **going to have a beer and you go someplace**  
3 **else.**  
4 Q. Yeah, understood. Understood.  
5 MS. ZUCKER: I am mindful of the  
6 time and it is 1 o'clock. And before I  
7 launch into the next section, I also  
8 don't want to starve people. So do we  
9 want to take a half hour for a lunch  
10 break?  
11 MS. HALEM: Sure.  
12 MR. SHAFRAN: Sure.  
13 MS. HALEM: You think a half hour  
14 is enough?  
15 MR. SHAFRAN: 1:30?  
16 MS. HALEM: Yeah.  
17 MS. ZUCKER: 1:30, sure.  
18 THE VIDEOGRAPHER: Going off the  
19 record. The time is 12:54.  
20 (Recess taken at 12:54 p.m. to 1:56 p.m.)  
21 THE VIDEOGRAPHER: We're back on  
22 the record. The time is 1:56.  
23 MS. ZUCKER: Thank you.  
24 BY MS. ZUCKER:  
25 Q. Good afternoon, Mr. Chiocca.

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1 Now, we've been talking around  
2 May 1st, and we started to talk about that.  
3 But before we get to it, your  
4 contract, your first contract, was 2008, if  
5 I'm -- if I've got it right, correct?  
6 **A. I believe so.**  
7 Q. And that was a probationary year,  
8 correct?  
9 **A. By Charter.**  
10 Q. And then it was a three-year  
11 contract, correct?  
12 **A. Yes.**  
13 Q. So now we're 2009 to 2012, around  
14 that?  
15 **A. Plus or minus, yeah.**  
16 Q. Okay. And then 2012 we go around  
17 2015; is that right?  
18 **A. Yeah. You know, there were a**  
19 **couple of shifts in -- I'm not -- if I work**  
20 **my way through it, but...**  
21 Q. And your contract was due to  
22 expire in or around June of 2019. Isn't that  
23 right? Your last contract.  
24 **A. I think I was in the last year of**  
25 **my contract, yeah.**

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1 Q. Okay.  
2 **A. I think so.**  
3 Q. So in the -- in the early spring  
4 of 2018, you were entering into the last year  
5 of your contract. And during that time, you  
6 started to have discussions about whether or  
7 not you would remain; is that right?  
8 **A. Yes.**  
9 Q. And if you would remain, at what  
10 salary; is that right?  
11 **A. Yes.**  
12 Q. And because these are contract  
13 discussions, tell me if I've got this right,  
14 you feel strongly that they should be had  
15 with the board, the full board, all at the  
16 same time?  
17 MS. HALEM: Objection.  
18 **A. You know, obviously, you get a**  
19 **feeling for the board. So, you know, I'm**  
20 **sure I mentioned it to different members that**  
21 **I was interested in continuing it, but**  
22 **because of the open meeting laws, you have to**  
23 **have it at a meeting.**  
24 Q. Okay. But apart from the  
25 requirements of open meeting laws to bring,

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1 you know, a potential contract up for  
2 discussion in a formal way, was it your  
3 practice, sir, to speak individually with  
4 selectpersons about your desires?  
5 MS. HALEM: Objection. About the  
6 contract?  
7 MS. ZUCKER: Yeah.  
8 **A. I don't know that it was a**  
9 **practice, but, you know --**  
10 BY MS. ZUCKER:  
11 Q. Is that what you did?  
12 **A. Here and there -- I -- you know, I**  
13 **would -- I would say I want to put this on**  
14 **the agenda. I'd want to talk about it. I'd**  
15 **talk to Ed.**  
16 Q. But you didn't just talk to Ed.  
17 You had one-on-one communications with  
18 different counselors to line them up, right?  
19 **A. Well, I would try.**  
20 Q. Yeah, because you know your votes.  
21 You need three, right?  
22 **A. Yeah.**  
23 Q. So you actually reached out and  
24 were having substantive communications one by  
25 one by one with the counselors, weren't you?



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1 **A. No.**  
2 Q. Okay.  
3 MS. HALEM: Objection as to time  
4 frame.  
5 BY MS. ZUCKER:  
6 Q. Now --  
7 MS. ZUCKER: Thank you.  
8 BY MS. ZUCKER:  
9 Q. Now, in terms of your ability to  
10 get an erection and climax, you were able to  
11 do that staring at pornography without Cialis  
12 in or around 2018; isn't that right?  
13 **A. Yes.**  
14 Q. And you were able to do that while  
15 masturbating without Cialis; isn't that  
16 right?  
17 **A. Yes.**  
18 Q. Okay. Now, you and Ms. Hall are  
19 in your office.  
20 Where did you keep the corkscrew  
21 in your office?  
22 **A. There is a knife, could still be**  
23 **there, in the top drawer that's a jackknife**  
24 **with a couple of blades on it, and it's got a**  
25 **corkscrew attachment.**

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1 **A. I think we were having Dixie cups.**  
2 Q. Okay. So both of you were having  
3 some -- something to drink. You remember  
4 that wine. The wine spilled. You don't  
5 remember who spilled it?  
6 **A. Right.**  
7 Q. Okay. The light --  
8 **A. I remember pouring two; one**  
9 **spilled.**  
10 Q. Okay. And you darkened the room,  
11 didn't you?  
12 **A. I darkened the room?**  
13 Q. Well, the light wasn't on, right,  
14 at some point?  
15 **A. I don't think so. I think the**  
16 **light was on.**  
17 Q. Do you remember, really, one way  
18 or the other?  
19 **A. No. I think the light was on.**  
20 Q. Okay. And at some point you  
21 lowered your drawers, right?  
22 **A. At some point, she undid my belt**  
23 **and unzipped my fly and pulled my pants**  
24 **down.**  
25 Q. At that time -- so you say she

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1 Q. Now, do you have a refrigerator in  
2 your office?  
3 **A. I had a -- I had what most people**  
4 **refer to as a college refrigerator --**  
5 Q. Okay.  
6 **A. -- water and, you know, my lunch**  
7 **for the day.**  
8 Q. Okay. And you had a habit of  
9 having alcohol in there, right?  
10 **A. No.**  
11 Q. You didn't?  
12 **A. No.**  
13 Q. Never did?  
14 **A. Never alcohol in there. I**  
15 **received the bottle of wine in question as a**  
16 **gift, I believe, maybe even that day. Marcy**  
17 **had gone to Vermont, I think, over the**  
18 **weekend and knows I like to have a Riesling**  
19 **every once in a while. That bottle, I**  
20 **believe, was warm on top of the refrigerator,**  
21 **and I had, leaving the office that day, not**  
22 **taken it.**  
23 Q. Okay. So then you're in there and  
24 you pour not only Ms. Hall another drink but  
25 yourself too?

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1 came up to you, managed to undo your buckle,  
2 unzip your pants, and pull your pants down?  
3 **A. She was -- we were both -- I have**  
4 **a stand-up desk back here, so the chairs were**  
5 **on the side. There were two chairs. We were**  
6 **sitting in these two chairs off to the side.**  
7 **Whatever --**  
8 Q. So you're seated when she does  
9 this?  
10 **A. She told me stand up.**  
11 Q. Oh, and you just kind of stood up?  
12 **A. Well, first she had pulled her**  
13 **skirt up and took my hand and put it on her**  
14 **vagina. She had panties, and then she took**  
15 **her panties off and...**  
16 Q. Okay. And at that time -- you got  
17 your phone. You just went out and got your  
18 phone. Did you call anybody? Holy-moly this  
19 is getting this is --  
20 THE REPORTER: I'm sorry, Counsel,  
21 I had a glitch.  
22 MS. ZUCKER: Sure. No worries.  
23 THE REPORTER: At that time you?  
24 BY MS. ZUCKER:  
25 Q. At that time you had gone out and

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1 the office. What happens next?  
2 **A. At some point, I -- we went to the**  
3 **truck. I drove her to RB&G. She wanted to**  
4 **get a little kissy-face, I guess, for lack of**  
5 **a better term. I wanted to get out of there**  
6 **and, you know, she went to her car and drove**  
7 **home.**  
8 Q. Okay. Did you think of driving  
9 her home?  
10 **A. I know you keep playing on that.**  
11 **No, she was not impaired.**  
12 Q. Okay. So your view was that she  
13 was distraught but not impaired?  
14 **A. Yes.**  
15 Q. Okay. Now -- now, at any time  
16 during the evening did you commend her and  
17 tell her she gives a good blow job?  
18 **A. I do not remember saying that to**  
19 **her.**  
20 Q. Well, I'm not --  
21 **A. No.**  
22 Q. Are you sure that you did not say  
23 that?  
24 **A. I didn't want to be there,**  
25 **Counsel --**

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1 **A. And I remember telling you, I said**  
2 **I don't remember saying that.**  
3 Q. Okay. All right. That's the best  
4 we got. Is you just don't have a memory one  
5 way or the other, right?  
6 **A. Regarding that statement?**  
7 Q. Yes.  
8 **A. I do not.**  
9 Q. Now -- do you remember ever  
10 putting your hand around her shoulder or  
11 around her waist?  
12 MS. HALEM: Objection. Time  
13 frame.  
14 BY MS. ZUCKER:  
15 Q. At any time as you were going in  
16 or out of the building at town hall.  
17 **A. The film shows --**  
18 Q. I'm not -- no, no. I'm  
19 actually --  
20 **A. Do I remember --**  
21 Q. Yes.  
22 **A. -- no.**  
23 Q. All right. Because you'll agree  
24 with me that putting your hand around  
25 someone's shoulder is an endearing action?

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1 Q. Well, I'm -- I'm --  
2 **A. -- so I don't think I said that.**  
3 Q. You don't think so?  
4 **A. No.**  
5 Q. But you can't say 100 percent, can  
6 you?  
7 **A. I didn't tell her the Mets were**  
8 **going to win the World Series either.**  
9 **I just -- I do not remember saying**  
10 **that.**  
11 Q. Huh. Do you think the Mets are  
12 going to win the World Series next year?  
13 **A. They might this year.**  
14 Q. I don't know.  
15 So do you really think that the  
16 question I'm asking you is like the Mets  
17 winning the World Series?  
18 **A. No, I don't.**  
19 Q. Okay.  
20 **A. But I think you've asked the same**  
21 **question --**  
22 Q. No --  
23 **A. -- and I've answered.**  
24 Q. I've asked you, do you remember  
25 telling her that she gives a good blow job?

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1 **A. I know -- I think I had my hand on**  
2 **her back, according to the film, not**  
3 **necessarily around her shoulder.**  
4 Q. Okay.  
5 **A. So -- opening the door or**  
6 **whatever. Just been raised that way, so.**  
7 Q. Do you have a habit of putting  
8 your hand on the shoulder or back of someone  
9 you're afraid of?  
10 **A. A habit?**  
11 Q. Yeah.  
12 **A. I don't think that's a habit, no.**  
13 Q. The fact is you were not afraid of  
14 Deirdre Hall that evening, were you?  
15 **A. I was certainly afraid of whether**  
16 **or not my contract was going to be renewed.**  
17 Q. Okay. And given your long tenure  
18 in the town of Rockland, you were afraid that  
19 this young, new board of selectwoman, who  
20 everybody thought was pushy and who annoyed  
21 people, could, with her one vote,  
22 single-handedly keep you from getting your  
23 contract?  
24 **A. You had asked me --**  
25 Q. Yes or no? Is that -- was that



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1 Q. Okay.

2 A. I mean -- and none of that stuff  
3 is -- you know, it's not going to be good.

4 Q. Now, at some point, around about  
5 May 18th, do you remember calling a number of  
6 the women on your staff, on Friday, May 18th,  
7 to tell them that they were going to hear  
8 some things about you, but it was really  
9 Deirdre's fault, that she was the aggressor?

10 A. I remember calling the three --  
11 there were three woman that worked  
12 specifically for me or under me or however  
13 you want to say, my secretary, executive  
14 secretary, Sue Ide; human resources, Stacy  
15 Callahan and Marcy.

16 On Friday afternoon -- I mean, on  
17 Friday morning I was, lack of a better word,  
18 asked to go on vacation, I guess. At that  
19 point in time they didn't -- if I was such a  
20 threat, they didn't -- well, John Clifford  
21 and Ed didn't walk me out of town hall then.  
22 Basically, I spent the rest of the  
23 day trying to clear up loose ends. I think I  
24 finished minutes. I think I did my job. I  
25 actually performed the wedding services. The

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1 town clerk wasn't in the office, and I have  
2 one of those California licenses and filled  
3 in for somebody getting married.

4 I did everything I was supposed to  
5 do. I knew I wasn't coming back. I was  
6 going on vacation. But I called them and I  
7 was certainly upset over the allegations that  
8 I was inappropriate.

9 Q. Now, as of May 18th --

10 A. Right.

11 Q. -- there had not been press  
12 attention to this event, had there been?

13 A. No.

14 Q. Okay. And do -- tell me everyone  
15 you remember calling and telling them that  
16 they were going hear some bad things, but it  
17 was Deirdre Hall; you were the victim?

18 A. I would say it was the three  
19 women. I can remember Marcy saying, you  
20 know, she would pray for me. I think I saw  
21 Stacy. I called Sue, who had been on  
22 vacation, so that when she came back -- I  
23 know that Eric knew because Ed had gone to  
24 Eric to, I guess, initiate the investigation.  
25 I know that Ed had told me that

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1 Deli Flipp knew about --

2 THE REPORTER: That what?

3 THE WITNESS: That Deli, Deli  
4 Flipp knew about him. There were a  
5 number of people that already knew.

6 BY MS. ZUCKER:

7 Q. Okay. Do you remember being drunk  
8 when you called any of these people?

9 A. I don't believe I was drunk, but I  
10 know I was emotional. I -- I still can get  
11 emotional on occasion with this, as I go  
12 through and say what the hell happened.

13 Q. Okay.

14 A. But I was not drunk --

15 Q. So your testimony is, is that you  
16 were not -- you had not been drinking at all?

17 A. No. I know that prior to all of  
18 this I was planning on meeting Pat Foley and  
19 Tom Foley, which was something I quite often  
20 did for a couple of -- I would have two,  
21 three beers sometimes. That's -- sometimes  
22 one or none at all if we didn't go out.

23 Q. Could you answer my question, sir?

24 A. But I would meet them once or two.  
25 It was a Friday.

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1 Q. Yeah. So that Friday, did you  
2 meet the two of them?

3 A. I met the two of them.

4 Q. And you told them about this, too?

5 A. I don't believe I did.

6 Q. Okay. You don't -- you don't know  
7 one way or the other for sure, do you?

8 A. I would say I did not. If you  
9 know --

10 Q. You would say --

11 A. -- Pat Foley -- well, if you're  
12 asking --

13 Q. Do you know one way or the other?

14 A. I did not tell Pat Foley. I would  
15 not tell Pat Foley.

16 Q. Okay.

17 A. It's not something I would want.

18 Q. Okay. And you had drinks with  
19 them, correct?

20 A. Yes, and I think --

21 Q. After those drinks, you called  
22 Marcy?

23 A. -- I think Brian White, the guy  
24 who tagged me with Ooga, had come up. I had  
25 stuck around the office a little later

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1 **A. Brian White would have been, in my**  
2 **best guess, and that's probably why he was in**  
3 **the office two weeks later, still looking for**  
4 **the money that Mike Mullen had promised him.**  
5 **And I don't know what the event was, but --**  
6 Q. Okay.  
7 **A. -- there must have been some**  
8 **event.**  
9 Q. All right. So do you remember  
10 meeting with Ms. Hall in your office?  
11 **A. Yes.**  
12 Q. Do you remember that Ms. Hall was  
13 shaken and asked if she had told you about  
14 her relationship with Mr. Kimball?  
15 **A. Oh, she knew she told my about it.**  
16 Q. Do you remember her asking if she  
17 had --  
18 **A. No.**  
19 Q. You don't.  
20 Do you remember her asking you to  
21 be discreet about your knowledge of her  
22 relationship with Ed Kimball?  
23 **A. I remember her asking to be**  
24 **discreet about the events of the night before**  
25 **and/or Ed. I mean, I wasn't telling anyone**

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1 Q. Okay.  
2 Now, do you recall her sounding --  
3 do you recall her not being able to remember  
4 the details of the night before?  
5 **A. No.**  
6 Q. Do you recall thanking her for the  
7 birthday present she had given you?  
8 **A. No.**  
9 Q. When, by the way, is your  
10 birthday?  
11 **A. May 3rd.**  
12 Q. Would she have any reason to do  
13 that before May 2nd?  
14 **A. Sure.**  
15 Q. How?  
16 **A. Everybody knows.**  
17 Q. Why did everybody --  
18 **A. I mean, I'm around --**  
19 Q. -- know your birthday?  
20 **A. Well, you know, it's around town**  
21 **hall. I'm there. Marcy had bought the**  
22 **bottle of wine for mine as a birthday**  
23 **present, and I would say, you know --**  
24 Q. But Marcy had been your employee  
25 for a long -- a much longer time, right?

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1 **anything.**  
2 Q. You remember her telling you to be  
3 discreet about the events the night before  
4 and/or Ed. Is that what you just said?  
5 **A. I don't remember specifically her**  
6 **saying be discreet about Ed, but...**  
7 Q. Could have been?  
8 THE REPORTER: I don't remember  
9 specifically what?  
10 **THE WITNESS: Her asking me to be**  
11 **discreet about her and Ed.**  
12 BY MS. ZUCKER:  
13 Q. But it could have been, correct?  
14 **A. She -- she might have. But it**  
15 **would have been unnecessary.**  
16 Q. I'm not asking what was necessary.  
17 I'm asking --  
18 **A. Right.**  
19 Q. -- you what you remember one way  
20 or the other about what she --  
21 **A. No.**  
22 Q. -- asked you?  
23 **A. I do not --**  
24 Q. Okay.  
25 **A. -- remember that.**

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1 **A. Right. But, you know, certainly,**  
2 **I celebrated my -- you know, I knew when my**  
3 **birthday was, and other people knew when my**  
4 **birthday was. It wasn't a well --**  
5 Q. Do you know whether she knew when  
6 your birthday was?  
7 **A. I don't know what she knows. I**  
8 **know it wasn't a secret.**  
9 Q. Okay.  
10 **A. I probably had cards already.**  
11 Q. All right. And so you said "Thank  
12 you for the birthday present"?  
13 **A. No, I did not.**  
14 Q. You don't remember saying that?  
15 **A. I do not remember saying that.**  
16 Q. Okay. You were 100 percent sure  
17 that you didn't?  
18 **A. From the beginning, that has been**  
19 **an allegation. I never remember ever saying**  
20 **that. It's was not something I would do. I**  
21 **was not happy with the evening. I --**  
22 Q. Okay. You say you know you didn't  
23 because it's not something you, quote, "would  
24 do," right?  
25 **A. I did not say that.**



ALLAN CHIOCCA vs TOWN OF ROCKLAND  
Allan Chiocca July 12, 2021

Job 33185  
Pages 286..289

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1 Q. Okay. All right. Now, who's Seth  
2 Jacobson?  
3 **A. Seth, I think, is one of the local**  
4 **reporters. I -- in fact, I know he's a local**  
5 **reporter. I'm not sure what -- they've got a**  
6 **couple of those small-town -- Townsmen,**  
7 **Mariner or --**  
8 Q. Okay. Those little local papers?  
9 **A. Those little local papers.**  
10 Q. Okay.  
11 **A. Yeah, what do they --**  
12 Q. And you talked to him --  
13 **A. There's some other --**  
14 Q. -- you talked to him about the  
15 tabs -- or the other --  
16 **A. Yeah, what day --**  
17 Q. -- that things like that, right.  
18 THE REPORTER: Hold on. One at a  
19 time.  
20 **THE WITNESS: I apologize.**  
21 THE REPORTER: One at a time.  
22 BY MS. ZUCKER:  
23 Q. On May 2nd, at 9:20, do you  
24 remember talking with Seth Jacobson?  
25 **A. I don't remember specifically 9:20**

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1 **A. If I call you, please come up.**  
2 Q. Okay. If I call you, please come  
3 up. Because you understood that trick,  
4 right, that if somebody --  
5 **A. Her office --**  
6 Q. Hold on. That if somebody -- if  
7 there's an awkward circumstance that you're  
8 in, it's a good political trick. If person X  
9 comes up, you need to call me away, right?  
10 That's what you were doing with Marcy, right?  
11 **A. It had not been a problem before**  
12 **this.**  
13 Q. Okay. So -- and you also did this  
14 with Sue Callahan?  
15 **A. Stacy.**  
16 Q. Stacy. I'm sorry. Thank you.  
17 Stacy Callahan, you told her as  
18 well?  
19 **A. Yeah.**  
20 Q. What about -- anybody else?  
21 Ms. Ide?  
22 THE REPORTER: Who?  
23 MS. ZUCKER: Ide, I-d-e.  
24 **A. I think Sue was on vacation or had**  
25 **been going on vacation. No, Sue was -- I --**

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1 **at -- on that date, but it's not unusual for**  
2 **me to talk to Seth.**  
3 Q. Now, at some point on May 2nd, do  
4 you remember talking to Ms. Birmingham?  
5 **A. Probably. She worked --**  
6 Q. Okay.  
7 **A. -- at town hall.**  
8 Q. And at no time did you tell her,  
9 oh, my God, something terrible happened. You  
10 got to keep that woman away from me or  
11 anything like that, did you?  
12 **A. I know that I asked Marcy not to**  
13 **leave me alone in the office, or if I called,**  
14 **to come up.**  
15 Q. And when did you say you said  
16 that?  
17 **A. I do not know the exact date and**  
18 **time.**  
19 Q. Do you remember -- I know it was  
20 in that --  
21 MS. HALEM: Let him finish.  
22 **A. -- very quick time frame.**  
23 BY MS. ZUCKER:  
24 Q. Okay. So you said to her, do not  
25 let me be alone with --

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1 **it's been a while, but, you know, those are**  
2 **the three that I normally worked with the**  
3 **most.**  
4 BY MS. ZUCKER:  
5 Q. Okay. And, by the way, with  
6 respect to those three --  
7 **A. And/or Eric Hart.**  
8 Q. Okay. We'll get to Eric in a  
9 moment.  
10 But you made sure that each one of  
11 those three women knew that you were their  
12 boss, and you could get rid of them, right?  
13 MS. HALEM: Objection.  
14 **A. I don't have that kind of**  
15 **authority. They were hired. There were**  
16 **rules. There were things in place, but I've**  
17 **never threatened them --**  
18 BY MS. ZUCKER:  
19 Q. You've never --  
20 **A. -- they were great employees. I**  
21 **worked, you know, very hard and diligently**  
22 **to, honestly, bring them along.**  
23 When Sue Ide took over the job as  
24 executive secretary, I think she actually  
25 does more than the other two. There were two



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Job 33185  
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1 other executive secretaries in town. She  
2 came over for a smaller salary, but I had  
3 told her, I said, as you learn this position,  
4 I'll get you up to the scale of the other  
5 two.  
6 Stacy Callahan, who didn't have  
7 the credentials you would normally have in a  
8 human resource person, she didn't have all  
9 the background and/or degrees and knowledge,  
10 but she'd been doing a good part of the job  
11 in the treasurer's office. I advocated to  
12 get somebody for Human Resources, put --  
13 hired Stacy for the position. I think I  
14 recommended her and the selectmen agreed.  
15 Put her in the position and then  
16 strongly advocated with the idea that she was  
17 probably amongst the lowest paid human  
18 resource individuals in the town. And if  
19 you -- and I don't want to bore you, but to  
20 get to where she had to go, you still have to  
21 go through the advisory board; you still have  
22 to go through the selectmen; you still have  
23 to go through town meeting.  
24 So I worked hard and told her that  
25 I would fight hard as this progressed so that

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1 that I felt we needed, and the board was  
2 supportive and approved.  
3 Q. Okay. And --  
4 A. So -- sorry to go on a  
5 dissertation.  
6 Q. No, no. No, that's fine.  
7 Now, when did you tell Eric Hart  
8 about your version of what occurred on  
9 May 1st?  
10 A. Ed had gone in, when he started  
11 his investigation, I guess on Friday, and  
12 asked for copies of the tapes. Eric came  
13 in -- and Ed apparently had been talking to  
14 Eric Hart about everything, and Eric came in  
15 and said, basically, what the hell, I assume,  
16 and told me that Ed wanted him to burn him a  
17 copy of all the town hall video.  
18 So at that point Eric already  
19 knew. I asked him for a copy of the town  
20 hall video so I could have one.  
21 Q. Did you go to Mr. Kimball and tell  
22 him that you had asked for -- that you had  
23 conferred with Mr. Hart on this subject?  
24 A. Certainly not. At that point, Ed  
25 was forcing me into vacation. This was after

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1 within four or five years she would be up to  
2 where she had to be. I also connected her  
3 with other human resource individuals; if you  
4 have any question -- I think Patty  
5 Vinchesi -- I hate to do that to you -- was  
6 one of people -- can Stacy call your human  
7 resource person? She's learning the  
8 position. But trying to promote her.  
9 Marcy, we had to come up with a  
10 title for her, but I worked hard to improve  
11 her pay and her resumé. And same thing, she  
12 came into this position without prior  
13 knowledge for the position that she wanted.  
14 One of the things Rockland does is  
15 pay the least. And so sometimes you get this  
16 entry-level person that you have to try and  
17 bring along, or one of the things we would  
18 do -- I would do in working with the board --  
19 is get it before the finance committee. Get  
20 a position in there with the idea that we can  
21 grow the position.  
22 It's not always easy to get that  
23 first position, and I have to tell you, you  
24 know, it was a long haul. Those were  
25 positions that in talking with the board,

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1 I had met with Mr. Kimball and Mr. Clifford.  
2 Q. Okay. So after you met with --  
3 well, strike that.  
4 Let me -- let me see if I  
5 understand it. Did you talk with Eric Hart  
6 before or after you'd had a meeting -- your  
7 first meeting with Mr. Kimball and  
8 Mr. Clifford?  
9 A. Well after.  
10 Q. Okay. So Mr. Hart didn't talk to  
11 you about this before?  
12 A. Ed had gone in whenever he got the  
13 tapes.  
14 Q. Okay.  
15 A. When Ed got the tapes --  
16 THE REPORTER: I'm sorry. Did you  
17 say, "Ed had gone in whenever he had got  
18 the tapes"?  
19 THE WITNESS: Ed had gone -- Ed  
20 had gone in to see Eric and review the  
21 videos. When he went in to review the  
22 videos, which I have to assume was that  
23 Friday, and wanted a copy, I asked Eric  
24 for a copy as well.  
25 /



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

-----  
ALLAN CHIOCCA,  
Plaintiff,

v. C.A. No.: 1:19-CV-10482-WGY

THE TOWN OF ROCKLAND, DEIRDRE  
HALL, EDWARD KIMBALL, LARRY  
RYAN, MICHAEL MULLEN, JR.,  
MICHAEL O'LOUGHLIN, RICHARD  
PENNEY AND KARA NYMAN,  
Defendants.

CERTIFIED COPY

-----  
DAY THREE  
VIDEOTAPED DEPOSITION OF ALLAN CHIOCCA

Tuesday, September 28, 2021

Commencing at 1:05 p.m.

Job #33855

Christine M. Ferraro  
Court Reporter and Notary Public

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ALLAN CHIOCCA vs TOWN OF ROCKLAND  
Allan Chiocca September 28, 2021

Job 33855  
Pages 22..25

Page 22

1 erection unless you took Cialis or Viagra or  
2 another pill like it?  
3 **A. I don't know if I said "incapable," it's high**  
4 **unlikely or less frequent or much more**  
5 **difficult.**  
6 Q. You didn't tell her you were incapable?  
7 **A. I don't remember what I told her exactly.**  
8 Q. Well, I'm asking you whether in substance you  
9 told her that you were incapable of achieving  
10 an erection without taking one of those pills  
11 and that you didn't have any of those pills on  
12 the evening of the incident with Ms. Hall? Did  
13 you tell her that in substance?  
14 **A. I know I didn't have any. Yes, in substance.**  
15 Q. Did you tell her that you had nevertheless  
16 achieved an erection and climaxed with  
17 Ms. Hall?  
18 **A. I think I told her it was -- and here we go**  
19 **getting -- getting unfortunately into greater**  
20 **detail -- and I apologize -- than we want, but**  
21 **that I did not achieve a good erection. Yes, I**  
22 **did climax with Ms. Hall.**  
23 Q. My question is whether you told Ms. Ryan that  
24 you nevertheless had achieved an erection and

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1 depicted on the video as holding a corkscrew in  
2 your hand?  
3 **A. There was some question about whether or not I**  
4 **had a corkscrew in my hand.**  
5 Q. Did you tell her that you thought it was  
6 possible that you had a corkscrew in your hand,  
7 yes or no?  
8 **A. No. I told her, "No."**  
9 Q. By the way, we've talked about this previously,  
10 about the bottle of wine in your office that  
11 was opened when you and Ms. Hall were in there.  
12 Do you recall, generally, talking about that  
13 subject matter?  
14 **A. Yes.**  
15 Q. Now, you threw that bottle of wine out the next  
16 morning, didn't you?  
17 **A. Yeah.**  
18 Q. Did you understand that -- well, strike that.  
19 Withdrawn.  
20 Why did you throw it out?  
21 **A. I think the next day, that an open bottle of**  
22 **wine, it had been opened, it didn't smell good,**  
23 **you know, there was no -- it was just -- at**  
24 **that point, it was just rubbish.**

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1 climaxed with Ms. Hall, yes or no?  
2 **A. I think I told her "never got really hard."**  
3 **And "Yes, I achieved climax."**  
4 Q. So you think you told her that you achieved  
5 climax?  
6 **A. Yes.**  
7 Q. Now, how many times did you speak with  
8 Ms. Hall -- excuse me -- speak with Ms. Ryan?  
9 **A. I know I spoke with her at least twice. The**  
10 **first time, I believe, once they reopened the**  
11 **investigation.**  
12 Q. Did you have counsel with you when you spoke  
13 with her on each of those occasions?  
14 **A. Yes.**  
15 Q. Which lawyer was with you?  
16 **A. Attorney Shafran.**  
17 Q. Were those two interviews recorded, to your  
18 knowledge?  
19 **A. I don't believe they were recorded. I think**  
20 **she was taking notes.**  
21 Q. Did you tell Ms. Ryan that you were the "de  
22 facto chairman" of the board of select persons?  
23 **A. I don't believe so.**  
24 Q. Do you -- did you tell Ms. Ryan that you were

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1 Q. You didn't think it was evidence at all. Never  
2 crossed your mind?  
3 **A. I didn't know anyone was making a claim. Never**  
4 **crossed my mind. I know stories have changed.**  
5 Q. Now, did you dump the bott- -- strike that.  
6 When you threw the wine out, was there  
7 any liquid in it?  
8 **A. I believe there was. I think I emptied it in**  
9 **the bathroom sink, what was remaining, and just**  
10 **put the bottle in the trash that gets emptied**  
11 **every day.**  
12 Q. And was the bathroom sink in your office or  
13 somewhere else?  
14 **A. The men's room sink at town hall. No, that's**  
15 **not in my office.**  
16 Q. So that would require you leaving your office  
17 with the bottle of wine and going to the men's  
18 room, correct?  
19 **A. Yes.**  
20 Q. And that's something that would be captured on  
21 video at the town hall, correct?  
22 **A. I would imagine because -- that's a good**  
23 **question. I would imagine that it would have**  
24 **been. I don't know if anybody's ever checked**



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Allan Chiocca September 28, 2021

Job 33855  
Pages 34..37

Page 34

1 colleague. And just so it's clear, you now  
2 recall telling Ms. Birmingham that anything she  
3 heard couldn't be true because you couldn't get  
4 an erection without taking a pill; is that  
5 right?

6 **A. I don't recall. I'm not saying I didn't.**

7 Q. What about Ms. Ide, did you say that to her?

8 **A. Same answer. I don't recall. I'm not saying I**  
9 **didn't. I don't recall saying that to her.**

10 Q. Did you want to get that story out there, that  
11 you couldn't have done anything sexually  
12 because you needed a pill in order to achieve  
13 an erection? Was that your intent?

14 **A. I don't know that I wanted to get that story**  
15 **out there but I think I had been accused of**  
16 **something after about two weeks of working in**  
17 **town hall and trying to avoid Ms. Hall and she**  
18 **was trying to get a story about me, but I don't**  
19 **know that my intention was to get out a story**  
20 **other than to say, I'm being falsely accused.**

21 Q. And that the reason that you were being falsely  
22 accused is because you wanted people to know  
23 you couldn't get an erection without taking a  
24 pill, right?

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1 **Cialis that I had had with either one of them**  
2 **at any time, at least prior to this.**

3 Q. So it's okay for you to talk about intimate  
4 details of your sexual abilities with two women  
5 who work for you because they were your  
6 friends; is that your testimony?

7 **A. I think that we had had numerous personal**  
8 **conversations about each one of their lives, as**  
9 **well as mine, over the years. I considered**  
10 **them friends. But this was not something that**  
11 **I would have shared prior to this.**

12 Q. I'm just saying that -- am I understanding you  
13 correctly that you felt this was okay to do  
14 because they were your friends?

15 **A. I felt I could confide in my friends that I was**  
16 **being falsely accused.**

17 Q. Did you see Regina Ryan's report before  
18 Mr. Shafran released it to the media?

19 **A. I believe I did.**

20 Q. And I take it from your answer that you, then,  
21 noticed that it was stamped as a confidential  
22 personal record not to be released or  
23 distributed without the permission of the  
24 Rockland Board of Selectmen, right?

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1 **A. I don't know that I wanted anybody to know**  
2 **that.**

3 Q. Well, but that's what you were telling them so  
4 they wouldn't believe Ms. Hall, right?

5 **A. I -- I -- I told you I don't recall those**  
6 **conversations specifically.**

7 Q. And did you think it was appropriate -- or  
8 strike that. Withdrawn.

9 Ms. Birmingham worked for you,  
10 correct?

11 **A. Yes, for a number of years.**

12 Q. Ms. Ide worked for you, correct?

13 **A. For a number of years.**

14 Q. Did you think it was appropriate to tell two  
15 employees who worked for you about your sexual  
16 limitations?

17 **A. I know that both of those people and I have had**  
18 **many conversations that were regarding family,**  
19 **children, spouses, arguments, this, that, the**  
20 **other thing. I considered them both friends.**  
21 **Some things that, you know, you can**  
22 **paint as appropriate or inappropriate work**  
23 **discussions that might have been amongst**  
24 **friends. This was not a discussion regarding**

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1 **A. I would have noticed that.**

2 Q. And the Rockland Board of Selectmen was your  
3 boss, correct?

4 **A. Correct.**

5 Q. Including on the day that Mr. Shafran, at your  
6 instruction, released the report, correct?

7 **A. Correct.**

8 Q. Mr. Chiocca, do you believe that your comments  
9 to Ms. Birmingham and Ms. Ide made them feel  
10 uncomfortable?

11 **A. I do not know.**

12 Q. You don't know, is that what you said?

13 **A. I do not know.**

14 Q. Did you ever make any comments of a sexual  
15 nature to any of the women working at town hall  
16 that you understood made them feel  
17 uncomfortable?

18 **A. No.**

19 Q. Were you friendly with Michael O'Loughlin's  
20 stepfather and mother?

21 **A. Yes.**

22 Q. Were you close friends?

23 **A. Yes.**

24 Q. Do you remain close friends?